

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ZAIMOS MORGAN ROWAN,	:	
Plaintiff,	:	Case No. 3:05cv00341
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
ADESA CINCINNATI DAYTON,	:	
Defendant.	:	

ORDER

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, the Court **ORDERS** that:

1. The Report and Recommendations filed on October 11, 2005 (Doc. #3) is ADOPTED;
2. Plaintiff's Complaint is DISMISSED under 28 U.S.C. §1915(e)(2) as frivolous or malicious or for failure to state a claim upon which relief can be granted;

3. The Court certifies pursuant to 28 U.S.C. §1915(a) that an appeal of this Order would not be taken in good faith and therefore DENIES Plaintiff leave to appeal *in forma pauperis*. Plaintiff, a non-prisoner, remains free to apply to proceed *in forma pauperis* in the Court of Appeals.
4. The case is terminated on the docket of this Court.

November 1, 2005

s/Thomas M. Rose

Thomas M. Rose
United States District Judge